

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

ANSWER, JURY DEMAND AND AFFIRMATIVE DEFENSES

NOW COME the Defendants, ADRINA MCDONALD, MICHAEL A. MITCHEFF, D.O.,
AMY WRIGHT, DON, AND WEXFORD OF INDIANA, LLC, by their attorney DOUGLASS
R. BITNER of KATZ KORIN CUNNINGHAM PC, and for their Answer, Jury Demand and
Affirmative Defenses in response to the Plaintiff's Complaint [D/N 2], states as follows:

1. The Defendants admit, upon information and belief, that during times relevant to the Plaintiff's Complaint that the Plaintiff, Antonio Handley, was incarcerated at the Wabash Valley Correctional Facility in Carlisle, Indiana.
2. Defendant Wexford of Indiana, LLC admits that pursuant to a contract with the Indiana Department of Corrections that it provides medical services and employs medical staff at a number of facilities throughout the state of Indiana, including the Wabash Valley Correctional Facility.
3. Defendant Michael A. Mitcheff admits that since July 1, 2018, he has been employed by Wexford of Indiana, LLC as the Regional Medical Director for the state of Indiana.

4. Defendant Amy Wright admits that during times relevant to the Plaintiff's Complaint, she was employed by Wexford of Indiana, LLC as the Director of Nursing at the Wabash Valley Correctional Facility.
5. Defendant Adriana McDonald admits that during times relevant to the Plaintiff's Complaint, she was employed by Wexford of Indiana, LLC as a medical records clerk.
6. Defendants admit that this Court has jurisdiction over the Plaintiff's claims and that venue is proper.
7. The Defendants admit that a grievance procedure is available to inmates at the Wabash Valley Correctional Facility and that Plaintiff has completed that process as it relates to this claim.
8. The Defendants deny that they were deliberately indifferent to any of the Plaintiff's medical needs.
9. The Defendants deny that any act or omission on their part violated any of the Plaintiff's constitutional rights.
10. Defendant Wexford of Indiana, LLC denies that it maintained any unconstitutional policy or practice at the Wabash Valley Correctional Facility.
11. The Defendants deny all allegations of wrongdoing whatsoever.
12. To the extent not specifically addressed above, the remainder of the Plaintiff's allegations are denied, or the Defendants lack knowledge or information sufficient to admit or deny.
13. The Defendant denies the Plaintiff is entitled to any relief whatsoever and further denies the Plaintiff is entitled to any relief as requested in his Complaint.

DEFENDANTS DEMAND TRIAL BY JURY

AFFIRMATIVE DEFENSES

1. The Defendants' duties were limited to those that were delegated to them or that they voluntarily undertook.
2. The Defendants are protected by the doctrine of qualified immunity because, at all times relevant herein, the Defendants' actions were taken in good faith, or not prohibited by a clearly established law, and were within the realm of reasonable responses to the circumstances with which they were confronted.
3. The proximate cause of the Plaintiff's injuries/damages, in whole or in part, was a result of the Plaintiff's own conduct and failure to mitigate damages by exercising ordinary care.

WHEREFORE, the Defendants, Adriana McDonald, Michael A. Mitcheff, D.O., Amy Wright, DON, and Wexford of Indiana, LLC, respectfully request that this Court enter judgment in their favor and against the Plaintiff, plus cost of suit and attorney's fees and expenses to the extent allowable under the law.

Respectfully submitted,

KATZ KORIN CUNNINGHAM PC

/s/ Douglass R. Bitner

Douglass R. Bitner, Attorney No. 34981-49

KATZ KORIN CUNNINGHAM PC

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*Counsel for Defendants Adriana McDonald,
Michael A. Mitcheff, D.O., Amy Wright, DON, and
Wexford of Indiana, LLC*

CERTIFICATE OF SERVICE

I certify that on **June 14, 2021**, a copy of the foregoing *Answer* was filed electronically using the Court's electronic filing system (CM/ECF). A copy of the foregoing was sent via U.S. First Class Mail to the following person(s):

Antonio D. Handley (IDOC # 998126)
WABASH VALLEY CORRECTIONAL FACILITY
Inmate Mail/Parcels
6908 S. Old US Hwy 41
P.O. Box 1111
Carlisle, IN 47838
PRO SE

/s/ Douglass R. Bitner _____

Douglass R. Bitner